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REGISTER OF ACTIONSCASE NO. 23CV13009

Estate of Matthew Reynolds vs The Oregon Department of Human Services, Angela Kneeland, Reigna Rushford, Rhonda Irish, Amy Youngflesh

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§
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§

Case Type: **Tort - Wrongful Death**
 Date Filed: **03/27/2023**
 Location: **Multnomah**

PARTY INFORMATION**Attorneys**

Defendant Doe 1, Jane/John
 Removed: 04/19/2023
 Clerical Error

Defendant Doe 2, Jane/John
 Removed: 04/19/2023
 Clerical Error

Defendant Doe 2, Jane/John
 Removed: 04/19/2023
 Clerical Error

Defendant Doe 2, Jane/John
 Removed: 04/19/2023
 Clerical Error

Defendant Doe 3, Jane/John
 Removed: 04/19/2023
 Clerical Error

Defendant Doe 4, Jane/John
 Removed: 04/19/2023
 Clerical Error

Defendant Doe 5, Jane/John
 Removed: 04/19/2023
 Clerical Error

Defendant Irish, Rhonda
 100 SW Market Street
 Portland, OR 97201

Defendant Kneeland, Angela
 75365 Fern Hill Road
 Rainier, OR 97048

Defendant Rushford, Reigna
 100 SW Market Street
 Portland, OR 97201

Defendant The Oregon Department of Human Services

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500 Summer Street NE
Salem, OR 97301

Defendant **Youngflesh, Amy**
2441 SE Sherman Street
Portland, OR 97214

Plaintiff **Estate of Matthew Reynolds**

8132 SE Lake Rd.
Unit 110
Portland, OR 97267

STEVEN V RIZZO
Retained
503 229-1819 x16(W)

MARY SKJELSET
Retained
503 229-1819(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS			
03/20/2023 Complaint <i>Damages. NOT SUBJECT TO MANDATORY ARBITRATION</i> Created: 03/28/2023 1:56 PM			
03/20/2023 Service The Oregon Department of Human Services Served 05/01/2023 Created: 03/28/2023 1:56 PM Returned 05/08/2023			
03/20/2023 Service Kneeland, Angela Served 04/23/2023 Rushford, Reigna Returned 05/05/2023 Irish, Rhonda Served 05/04/2023 Youngflesh, Amy Returned 05/08/2023 Created: 04/19/2023 9:52 AM			
03/27/2023 Letter <i>Relation Back Date</i> Created: 03/28/2023 1:56 PM			
05/04/2023 Proof - Service Created: 05/05/2023 10:02 AM			
05/05/2023 Proof - Service Created: 05/05/2023 10:24 AM			
05/08/2023 Proof - Service Created: 05/08/2023 10:26 AM			
05/08/2023 Proof of Service - Substitute Created: 05/08/2023 11:08 AM			
05/08/2023 Proof of Service - Substitute Created: 05/08/2023 11:08 AM			

1 He died in state custody on March 18, 2021.

2 **Defendants**

3 3. Defendant Angela Kneeland was employed as a DHS Permanency Supervisor
4 assigned to Matthew's child welfare case. Kneeland oversaw and directed subordinate employees.
5 Kneeland had a duty to protect the safety and health of Matthew.

6 4. Defendant Reigna Rushford was employed as a DHS Certifier. Rushford certified
7 the C.G. foster home at which Matthew perished. Rushford had a duty to protect the safety and
8 health of Matthew.

9 5. Defendant Rhonda Irish was employed as a DHS Certification Supervisor. Irish
10 oversaw and directed Rushford's C.G. certification work. Irish had a duty to protect the safety and
11 health of Matthew.

12 6. Defendant Amy Youngflesh was employed as a DHS Child Welfare Manager who
13 oversaw and directed defendants Kneeland, Rushford and Irish. Youngflesh performed work on
14 behalf of DHS in multiple political subdivisions of the state of Oregon, including her dedicated
15 workspace and/or home office facility located in Multnomah County. Youngflesh had the duty to
16 protect the safety and health of Matthew.

17 7. Defendant, the Oregon Department of Human Services ("DHS"), was responsible
18 for the delivery and administration of federal and state programs relating to the provision of foster
19 care services throughout the state of Oregon. DHS had the duty to protect the safety and health of
20 Matthew.

21 8. DHS is liable under *respondeat superior* and/or through the Oregon Tort Claims
22 Act ("OTCA") for each alleged act and omission of all individual Defendants.

23 9. Defendants Jane or John Does 1-5 include assistance programs, agents, attorneys,
24 caseworkers, caseworker-supervisors, certifiers, certification supervisors, child protective services
25 workers, directors, entities, officers, managers, medical providers, and other persons who abetted,
26 aided, or engaged in constitutional deprivations, statutory violations and/or torts. Their true

1 identities and the nature of their involvement remain unknown to Plaintiff, but will only become
2 known as formal discovery progresses.

3 10. All individual Defendants and Does acted in the course of their respective agency,
4 employment and partnership relationships with DHS and they are jointly and severally liable.

5 * * *

COMMON FACTUAL ALLEGATIONS

7 11. As *parens patriae*, Oregon has the power to involuntarily remove children from
8 their caregivers and to place them into state-sponsored foster care.

9 12. The act of removal from a parent is often traumatic to the child, particularly where
10 there is a strong parent-child bond.

13. Upon removal, children are rendered vulnerable and wholly dependent on Oregon
to protect their safety and health, and meet their medical needs.

13 14. Under the Adoption Assistance and Child Welfare Act of 1980 (“AACWA”),
14 Oregon received federal reimbursement for foster care maintenance payments made on behalf of
15 eligible children in consideration for an approved plan for foster care and adoption assistance in
16 effect in all political subdivisions of the state. *See* 42 USC § 672(a)(1),(2),(3),(10),(16); *see also*
17 42 U.S.C. § 675(1)(A).

18 15. Under the AACWA, Oregon was required to implement standards to protect the
19 safety and health of foster children taken into its custody, and provide appropriate medical care for
20 such children with special needs. *See* 42 U.S.C. § 671(a)(21).

21 16. DHS was the state authority responsible to establish and maintain licensing
22 standards for foster parents, including the protection of the foster child's civil rights. *See* 42 USC
23 §671(a)(10).

24 17. DHS promulgated licensing standards for the certification of individuals applying
25 to receive a Certificate of Approval to operate and maintain a foster home in Oregon.

26 18. All such individuals were required to possess and demonstrate certain abilities,

1 including *inter alia* (i) sound judgment, responsibility, stability and emotional maturity; (ii) the
 2 ability to manage their home and personal life; (iii) the ability to maintain conditions in the home
 3 that provide for the safety, health and wellbeing of the child; (iv) adequate financial resources to
 4 support the household independent of foster care payments; (v) the physical and mental capacity
 5 to safely parent and provide appropriate medical care for a child; and (vi) a willingness to provide
 6 protected health information and/or participate in an expert evaluation. *See* OAR 413-200-0308.

7 19. DHS knew that heightened scrutiny of foster care applicants and providers was
 8 necessary to protect child safety.

9 20. DHS has been repeatedly sued in federal and state courts for its failure to properly
 10 certify and train applicants and monitor its foster care providers, failure to ensure proper medical
 11 care, and failure to protect child safety. DHS has paid significant sums to resolve such cases out
 12 of court or in consequence of jury verdicts.

13 21. *Wyatt B. et al v. Brown et al*, Case No. 6:19-cv-00556-AA placed DHS on notice
 14 that the failure to properly administer and manage medications for a child suffering with a
 15 congenital heart defect was potentially life threatening and that it was necessary to develop an
 16 appropriate protocol to ensure proper oversight of such medications.

17 22. DHS has been audited by federal and state bodies identifying myriad errors and
 18 omissions relating to the administration and handling of its foster care program. The audits were
 19 critical of DHS's chronic failure to properly certify foster care providers and properly monitor
 20 child safety and health.

21 23. The Oregon Secretary of State's June 2019 Recommendation Follow-up Report to
 22 the 2018 audit ("the RFR") found that "[t]he ongoing lack of appropriate foster placements in
 23 Oregon is a serious risk to the safety and wellbeing of children in the foster system." The RFR also
 24 stressed the need "to provide more appropriate placement settings for children with significant
 25 needs . . . and expand support for children with intensive medical needs to stay in their family
 26 homes."

1 24. The audits highlighted DHS's culture of blame and failure to accept responsibility
 2 for its actions.

3 25. Matthew was born on July 5, 2006.

4 26. At birth, Matthew was diagnosed with a congenital heart defect, which rendered
 5 him medically fragile and at increased risk of sudden cardiac events.

6 27. Matthew grew up in the care of his mother ("Mother"). Matthew lived with Mother
 7 and his younger brother in a rented trailer. Matthew and Mother had a strong and loving bond.
 8 Matthew's younger brother idolized him. Despite impoverished circumstances and other
 9 challenges, the family stayed extremely close. Matthew felt safe in his home and looked to his
 10 family for emotional stability and protection.

11 28. Throughout his life, Mother had attended to Matthew's multiple medical
 12 procedures and interventions.

13 29. In his first year of life, Matthew had two surgical procedures designed to create
 14 functional systemic circulation to move blood between his heart and lungs. At age two, Matthew
 15 underwent a modified Fontan procedure, which connected the superior vena cava to the left
 16 pulmonary artery and the inferior vena cava to the right pulmonary artery. Matthew recovered
 17 from these surgical procedures.

18 30. In 2010, Matthew underwent a surgical procedure to implant a pacemaker device
 19 in his chest and abdomen to control the heartbeat, and doctors implanted cardiac defibrillator in
 20 his stomach to detect and control for irregular heartbeat or arrhythmias. Matthew tolerated these
 21 surgical procedures as well.

22 31. The positioning of these implants in Matthew's body required Mother or other first
 23 responders to administer cardio-pulmonary resuscitation ("CPR") more carefully in the event of a
 24 sudden cardiac event to avoid placing automated external defibrillator electrodes or paddles close
 25 to or directly over the implants.

26 32. Mother understood this enhanced CPR technique. When Matthew experienced

1 sudden cardiac events at age four and at age fourteen, Mother performed CPR and successfully
 2 resuscitated Matthew. Mother carried an information card on her person to inform other first
 3 responders about the CPR technique.

4 33. DHS removed Matthew from his home and family in approximately 2014.

5 34. DHS shuffled Matthew between numerous Give Us This Day foster placements
 6 located in and around Portland, eventually landing (at eight years of age) in a residential treatment
 7 facility. DHS knew and/or should have known that such placements were notorious for failing to
 8 provide food and clean bedding, tolerated mold and rodents and allowed staff and others to exert
 9 improper force on the resident children.

10 35. Matthew struggled emotionally from being institutionalized. Alone without his
 11 family around him, Matthew experienced severe mental and emotional distress in the Give Us This
 12 Day placements and attempted suicide at the residential facility in 2015.

13 36. Mother assisted Matthew to recover physically and emotionally from this
 14 experience and regained custody in July 2015. Both Matthew and Mother remained fearful of
 15 DHS.

16 37. In September 2020, Matthew was evaluated at Seattle Children's Hospital for a
 17 potential heart transplant. Matthew's placement on the heart transplant list was deferred for a
 18 period of up to six months to address his complex medical needs, which included dental work,
 19 immunizations, medication dose management, weight/nutrition management, consistency in
 20 communications and logistics and planning.

21 38. DHS pursued Mother's cooperative services agreement, claiming that it would
 22 assist Mother's handling of Matthew's complex medical needs and improve his chance for
 23 placement on the heart transplant list.

24 39. In early December 2020, unbeknownst to Mother and Matthew, DHS sought
 25 custody of Matthew.

26 40. Matthew remained with his Mother, but DHS gained the authority and assumed the

1 responsibility to care for Matthew's complex medical and mental health needs. *See* ORS
 2 419B.376; OAR 413-101-0000(32).

3 41. DHS used its powers to obtain access to Matthew's protected health information
 4 and communicate directly with his medical providers, including his treating cardiologist located
 5 in Portland.

6 42. DHS excluded Mother from these communications. DHS biased the medical
 7 providers against Mother to lay the foundation to again remove Matthew from Mother.

8 43. By approximately February 2021, DHS had all but excluded Mother from
 9 Matthew's care coordination team communications. DHS also excluded Mother's and Matthew's
 10 court appointed attorneys from these communications.

11 44. DHS knew and/or was on notice that if Matthew were removed from Mother, the
 12 substitute placement would require expertise to manage his complex medical and mental health
 13 needs and protect his safety and well-being.

14 45. DHS was cautioned that any such placement would require adequate education
 15 and/or experience to handle Matthew's daily regimen of medications and care needs, manage his
 16 appointments and transportation, and recognize changes in Matthew's symptoms that may signal
 17 problems.

18 46. DHS knew and/or was on notice that removing Matthew from Mother's care posed
 19 an increased risk of severe emotional distress, which further increased the risk of a sudden cardiac
 20 event.

21 47. DHS knew and/or should have known that, if Matthew were removed from Mother,
 22 it was important to safeguard both Matthew's and Mother's emotional condition, and ensure that
 23 the substitute placement was capable of performing enhanced CPR in the event of a sudden cardiac
 24 event.

25 48. In pursuit of removing Matthew, DHS hastily sought instead to certify a relative
 26 substitute placement, C.G., on a so-called "emergency" basis.

1 49. DHS knew and/or should have known that C.G. had significant mental health issues
 2 likely to impact her ability to meet Matthew's complex medical and mental health needs,
 3 particularly in a state of emergency; and that she was in a dire financial situation and in the process
 4 of filing for personal bankruptcy.

5 50. DHS knew and/or should have known that C.G. had no children and no parenting
 6 experience, much less experience parenting a medically fragile child; that she resided in a tiny,
 7 upstairs, one-bedroom efficiency, which was distant from Matthew's Portland medical specialists;
 8 and that she only used a bicycle and did not own a car to transport Matthew to and from his multiple
 9 medical appointments.

10 51. DHS knew and/or should have known that C.G. did not demonstrate a history of
 11 basic medical training, much less experience in handling medical devices and equipment pertinent
 12 to Matthew's medical condition. On information and belief, C.G. was not trained or certified to
 13 provide CPR in the event of Matthew's sudden cardiac event.

14 52. DHS rushed its "emergency" certification of C.G. in order to effectuate its removal
 15 of Matthew absent a planful transition.

16 53. DHS received C.G.'s application for certification on March 1, 2021.

17 54. DHS quickly issued C.G. a Certificate of Approval to operate a foster home on
 18 March 3, 2021, when it knew and/or should have known the C.G. did not meet the certification
 19 standards and that she was unfit to safely parent Matthew and manage his complex medical and
 20 mental health needs.

21 55. On or about March 10, 2021, DHS sought to "emergently" remove Matthew from
 22 his home and family.

23 56. In seeking to remove Matthew, DHS denied Matthew his right to attend the
 24 juvenile court proceeding, to speak directly to the judge, and to be involved in making decisions
 25 that directly affected his right to consent to medical care and services. DHS also denied Matthew
 26 the right to participate in his case plan and in any transition plan involving the substitute placement.

1 See OAR 413-010-0180(1),(2).

2 57. In connection with the removal process, DHS downplayed its knowledge of
 3 Matthew's complex medical and mental health needs, and claimed that the provision enhanced
 4 medical care was not necessary.

5 58. On or about March 11, 2021, DHS involuntarily removed Matthew from his home
 6 and family and placed him into the C.G. non-medical foster home.

7 59. C.G. was an agent and/or employee of DHS and DHS controlled and/or had the
 8 right to control C.G.

9 60. Matthew was in a special relationship with the state of Oregon and Defendants' acts
 10 and conduct posed a state-created danger.

11 61. At the time of the C.G. placement, DHS knew and/or should have known that C.G.
 12 lacked adequate information and training on Matthew's daily medication regimen, including
 13 information regarding the purpose of the medications, the dosage and the effective method of
 14 administration.

15 62. DHS knew and/or should have known that C.G. was biased against Mother; she
 16 rebuffed Mother's efforts to communicate information concerning Matthew's complex medical
 17 and mental health needs, including the details of his daily medication regimen and the enhanced
 18 CPR technique.

19 63. DHS knew and/or should have known that C.G. acted to limit and impede
 20 Matthew's ability to communicate with his family.

21 64. C.G.'s bias and failures to communicate increased Matthew's sense of fear and
 22 isolation from his family and his risk of a sudden cardiac event.

23 65. On March 17, 2021, DHS had arranged for a supervised in-person visit between
 24 Matthew and his family. This was Matthew's first family visit since his emergent removal. And it
 25 would be the last.

26 66. At the visit, DHS learned that C.G. was not properly administering Matthew's

1 medications. Instead, C.G. mistakenly assumed that Matthew was responsible to self-administer
 2 his own daily medications. Mother reiterated to DHS (in real time) that Matthew required personal
 3 supervision and oversight to ensure that he took his daily medication regimen as prescribed.

4 67. DHS failed to act on this knowledge and Mother's warning. DHS failed to properly
 5 instruct C.G. that it was her responsibility to ensure that Matthew actually took his medications.
 6 Further, DHS failed to have Matthew evaluated by a medical provider to assess whether the lack
 7 of receiving medication had negatively impacted his health condition, and otherwise evaluate the
 8 status of the medication in his system.

9 68. Later that day, DHS and C.G. caused Matthew to miss an in-person cardiac
 10 rehabilitation appointment scheduled for March 17, 2021.

11 69. The next morning, March 18, 2021, Matthew collapsed to the ground outside the
 12 C.G. non-medical foster home during a sudden cardiac event.

13 70. Consistent with her own compromised mental health condition and lack of medical
 14 training, C.G. panicked.

15 71. Consistent with her lack of CPR training and experience, C.G. failed to immediately
 16 and properly perform CPR. After a time, 9-1-1 arrived at the scene. The first responders' attempt
 17 to resuscitate Matthew failed.

18 72. Matthew was pronounced dead at 11:07 a.m. on March 18, 2021.

19 73. DHS refused Mother's requests to know where Matthew's body lay.

20 74. DHS sought a homicide investigation against Mother.

21 75. In the meantime, DHS took possession of Matthew's medications and cell phone
 22 and failed to return this personal property to Mother or provide the property to law enforcement.

23 76. DHS and other involved multidisciplinary team members engaged in numerous
 24 communications with Mother's court appointed attorney and Mother's legal representatives in
 25 Portland regarding the whereabouts of Matthew's personal property, the blood samples that were
 26 withdrawn from Matthew's body following his death, and the conduct of an autopsy.

77. The communications between the parties pertained to preservation of evidence and other investigative matters and DHS's failure to request and/or conduct an autopsy.

* * *

CLAIMS FOR RELIEF

I. CIVIL RIGHTS CLAIMS

FIRST CLAIM FOR RELIEF: 42 USC §1983 - Deprivation of Civil Rights

(Defendant Kneeland and Does)

78. Plaintiff incorporates all prior paragraphs as though fully realleged.

9 79. 42 USC §1983 provides in relevant part that every person who under color of any
10 statute, ordinance, regulation, custom, or usage, subjects or causes to be subjected, any citizen of
11 the United States to the deprivation of any rights, privileges, or immunities secured by the
12 Constitution and laws, shall be liable to the party injured in an action at law, suit in equity or other
13 proceeding for redress.

14 80. Matthew had an established constitutional right to safe foster care, social work
15 supervision and adequate medical care, and the right to participate in decisions concerning his need
16 for life-saving treatment.

17 81. Kneeland acted with deliberate indifference to Matthew's recognized liberty
18 interests and rights as follows:

- a) Approving, acquiescing in and/or encouraging Matthew's exclusion and Mother's exclusion from communications with the care coordination team;
 - b) Approving, acquiescing in and/or encouraging the failure to notify and involve Matthew and his attorney in the case plan;
 - c) Approving, acquiescing in and/or encouraging the failure to notify and involve Matthew and his attorney regarding DHS's efforts to take custody of Matthew;
 - d) Approving, acquiescing in and/or encouraging the "emergency" certification of C.G.;

- 1 e) Approving, acquiescing in and/or directing the removal of Matthew from his
- 2 Mother without a plan to protect his medical and emotional health;
- 3 f) Approving, acquiescing in and/or directing the placement of Matthew in the C.G.
- 4 non-medical foster home;
- 5 g) Failing to ensure that the C.G. non-medical foster home could meet Matthew's
- 6 complex medical and mental health needs;
- 7 h) Failing to ensure that Matthew was given his medications as prescribed in the C.G.
- 8 non-medical foster home;
- 9 i) Ignoring warnings by medical providers about the need for Matthew's placement
- 10 to have training on the administration of medication and the sequelae of his
- 11 condition;
- 12 j) Failing to act and/or investigate C.G.'s failure to administer Matthew's prescribed
- 13 medications;
- 14 k) Failing to have Matthew seen by a medical provider to assess the health and
- 15 consequences of C.G.'s failure to have administered Matthew's medications on a
- 16 daily basis; and
- 17 l) Failing to preserve Matthew's personal property, blood sample and other evidence
- 18 relating to cause of death.

19 82. Kneeland's conduct was a proximate cause of Matthew's emotional distress,
20 personal injury and death.

21 83. Plaintiff seeks non-economic damages in the amount of \$7,5000,000.

22 84. Plaintiff seeks economic damages in an amount to be proven at trial.

23 85. Plaintiff seeks an award of punitive damages in the amount of \$15,000,000.

24 86. Plaintiff seeks reasonable attorney fees, costs, and disbursements, under 42 USC
25 §1988.

26 **SECOND CLAIM FOR RELIEF: 42 USC §1983 - Deprivation of Civil Rights**

(Defendant Youngflesh and Does)

2 87. Plaintiff incorporates by reference all previous paragraphs as though fully
3 realleged.

4 88. As District Manager, Youngflesh oversaw Kneeland and other subordinates in
5 connection with DHS's provision of child welfare services to Matthew, his removal and ultimate
6 placement in the C.G. home. Youngflesh also supervised Rushford and Irish in connection with
7 the rushed certification of C.G.'s foster home.

8 89. Youngflesh acquiesced in, approved and/or participated in all Defendants'
9 collective failure to protect Matthew's safety, medical and mental health.

10 90. Youngflesh acted with deliberate indifference to Matthew's recognized liberty
11 interests and rights in one or more of the following ways:

- a) Approving, acquiescing in and/or encouraging exclusion of both Matthew and Mother from communications with the care coordination team;
 - b) Approving, acquiescing in and/or encouraging the failure to notify and involve Matthew and his attorney in the case plan;
 - c) Approving, acquiescing in and/or encouraging the failure to notify and involve Matthew and his attorney regarding DHS's efforts to take custody of Matthew;
 - d) Approving, acquiescing in and/or encouraging the “emergency” certification of C.G.;
 - e) Approving, acquiescing in and/or directing the removal of Matthew from his Mother without a plan to protect his medical and emotional health;
 - f) Approving, acquiescing in and/or directing the placement of Matthew in the C.G. non-medical foster home;
 - g) Failing to ensure that the C.G. non-medical foster home could meet Matthew’s complex medical and mental health needs;
 - h) Failing to ensure that Matthew was given his medications on a daily basis in the

- 1 C.G. non-medical foster home;
- 2 i) Ignoring warnings by medical providers about the need for Matthew's placement
3 to have training on the administration of medication and the sequalae of his
4 condition;
- 5 j) Failing to act and/or investigate C.G.'s failure to administer Matthew's daily
6 medications as prescribed;
- 7 k) Failing to have Matthew seen by a medical provider to assess the heath and
8 consequences of C.G.'s failure to have administered Matthew's daily medications;
- 9 l) Failing to preserve Matthew's personal property, blood sample and other evidence
10 relating to cause of death; and
- 11 m) Acquiescing in and/or approving taking possession of and/or failing to preserve
12 Matthew's personal property, blood sample and other evidence relating to cause of
13 death.

14 91. Youngflesh's conduct was a proximate cause of Matthew's emotional distress,
15 personal injury and death.

16 92. Plaintiff seeks non-economic damages in the amount of \$7,500,000.

17 93. Plaintiff seeks economic damages in an amount to be proven at trial.

18 94. Plaintiff seeks an award of punitive damages in the amount of \$15,000,000.

19 95. Plaintiff seeks reasonable attorney fees, costs, and disbursements, under 42 USC
20 §1988.

21 **THIRD CLAIM FOR RELIEF: 42 USC §1983 - Deprivation of Civil Rights**

22 **(Defendant Rushford and Does)**

23 96. Plaintiff incorporates all previous paragraphs as though fully realleged.

24 97. Defendant Rushford acted with deliberate indifference to Matthew's recognized
25 liberty interests and rights in one or more of the following ways:

- 26 a) Failing to properly determine and/or recognize C.G.'s lack of fitness;

- b) Recommending that C.G. be certified to operate a non-medical foster home for a child who she knew and/or suspected was medically fragile;
 - c) Approving in and/or placing Matthew in the C.G. non-medical foster home;
 - d) Failing to ensure that C.G. was properly trained to manage Matthew's complex medical and mental health needs, and to properly perform CPR; and
 - e) Failing to ensure that C.G. had the medical training and equipment necessary to meet Matthew's complex medical and mental health needs.

98. Rushford's conduct was a proximate cause of Matthew's emotional distress, personal injury and death.

99. Plaintiff seeks non-economic damages in the amount of \$7,500,000.

100. Plaintiff seeks economic damages in an amount to be proven at trial.

101. Plaintiff seeks an award of punitive damages in the amount of \$15,000,000.

102. Plaintiff seeks her reasonable attorney fees, costs, and disbursements, under 42
1988.

**FOURTH CLAIM FOR RELIEF: 42 USC §1983 - Deprivation of Civil Rights
(Defendant Irish and Does)**

103. Plaintiff incorporates all previous paragraphs as though fully realleged.

104. As the certification supervisor, Irish had a duty to protect Matthew's safety.

105. On or about March 1-3, 2021, Irish knew and/or became aware of concerns that did not meet certification standards and did not have the medical qualifications necessary to Matthew's needs.

106. Nonetheless, Irish approved the COA authorizing C.G. to operate a foster home and
and/or acquiesced in the placement of Matthew into that home on or about March 11, 2021.

en approved and verified Rushford's SAFE Study of C.G. on or about March 15, 2021.

107. Irish knew and/or was aware that Matthew's condition could be life-threatening appropriate care and interventions, and that it was medically necessary that C.G. properly

1 administer Matthew's multiple medications.

2 108. On information and belief, Irish became aware that there were concerns that C.G.
3 was not appropriately administering Matthew's medication, could not get him to his necessary
4 medical appointments and was relying on an individual with significant child abuse history to
5 provide care. Despite this, Irish allowed Matthew to remain in the home.

6 109. Defendant Irish acted with deliberate indifference to Matthew's recognized liberty
7 interests and rights in one or more of the following ways:

- a) Failing to properly train Rushford regarding certification requirements;
 - b) Failing to properly supervise Rushford regarding certification requirements;
 - c) Approving and/or acquiescing in C.G.'s certification;
 - d) Approving and/or acquiescing in the placement of Matthew into the C.G. non-medical foster home;
 - e) Approving and/or acquiescing in the placement of Matthew into the C.G. foster home knowing that C.G. did not have the medical training, experience or equipment necessary to meet his extreme medical needs;
 - f) Failing to ensure that Matthew was safe in C.G. foster home; and
 - g) Failing to ensure that C.G. had the medical training and equipment necessary to meet Matthew's knowingly medical needs, which she knew or should have known were extreme and life-threatening.

20 110. Irish's conduct was a proximate cause of Matthew's emotional distress, personal
21 injury and death.

22 111. Plaintiff seeks non-economic damages in the amount of \$7,500,000.

23 112. Plaintiff seeks economic damages in an amount to be proven at trial.

24 113. Plaintiff seeks an award of punitive damages in the amount of \$15,000,000.

25 Plaintiff seeks her reasonable attorney fees, costs, and disbursements, under 42 USC §1988.

II. STATE CLAIMS

1 **FIFTH CLAIM FOR RELIEF: Negligence – Wrongful Death**
 2 **(Defendant DHS)**

3 114. Plaintiff incorporates by reference all prior paragraphs as though fully realleged.

4 115. DHS knew and/or should have known that Matthew was both a medically fragile
 5 child and an emotionally fragile child, with a history of serious congenital heart defect and self-
 6 harm.

7 116. DHS knew and/or should have known that Matthew and Mother had a strong and
 8 loving bond, and that Matthew's peculiar susceptibility to emotional distress and fearfulness of
 9 DHS required a planful, trauma informed approach to manner of removal.

10 117. DHS knew and/or should have known that the failure to properly administer and
 11 manage Matthew's medications was potentially life threatening and that it was necessary to
 12 develop an appropriate protocol to ensure proper oversight of such medications.

13 118. DHS knew and/or should have known that Matthew's extreme medical needs
 14 required a substitute placement with the ability to provide the level of care and supervision
 15 necessary to ensure that such needs were properly met, both to maximize Matthew's potential to
 16 be placed on the heart transplant list and also to protect his safety and health.

17 119. DHS knew and/or should have known that C.G. did not meet the licensing
 18 standards, that she was unfit to safely parent Matthew, and/or that she lacked the requisite capacity,
 19 skill and experience to properly meet Matthew's complex medical needs.

20 120. DHS knew and/or should have known that C.G.'s adversity toward Mother
 21 impaired Mother's ability to communicate important information to C.G. about Matthew's health
 22 habits, including his daily medication regimen and the enhanced CPR technique in light of
 23 Matthew's implants.

24 121. DHS knew and/or should have known – shortly prior to Matthew's death – that
 25 C.G. failed to properly supervise his daily medication regimen and missed one in-person cardiac
 26 rehabilitation appointment, and that C.G. was not trained or equipped to administer appropriate

1 CPR is the event of a sudden cardiac event, all of which unreasonably increased his risk of injury
2 and death.

3 122. DHS was negligent in one or more of the following particulars:

- 4 a) Failing to provide Mother the enhanced cooperative services necessary to meet
5 Matthew's complex medical needs and remain in his home;
- 6 b) Failing to properly inform and communicate with Mother and Matthew regarding
7 the status of Matthew's case plan;
- 8 c) Failing to timely inform Matthew about juvenile court proceedings;
- 9 d) Failing to allow Matthew to appear before the juvenile court and state where he
10 wanted to live and where he felt safe;
- 11 e) Obtaining protective custody without Mother's and Matthew's knowledge and
12 involvement;
- 13 f) Excluding Mother and Matthew from communications, discussions and meetings
14 with his care coordination team;
- 15 g) Biassing and prejudicing care team members against Mother to lay the foundation
16 for Matthew's removal from his home and family;
- 17 h) Failing to provide Mother the level of enhanced cooperative services necessary to
18 meet Matthew's complex medical needs and remain in his home;
- 19 i) Recruiting C.G. to act as a substitute placement for Matthew, a medically fragile
20 child;
- 21 j) Certifying C.G. to serve as a substitute placement for Matthew;
- 22 k) Removing Matthew from his home and family in his then present medically fragile
23 condition;
- 24 l) Placing Matthew in the non-medical C.G. foster home, which it knew and/or should
25 have known could not meet his significant medical needs;
- 26 m) Failing to enact a protocol to ensure proper oversight and administration of

Matthew's necessary medication; and

- n) Failing to address the anticipated and extreme emotional distress Matthew experienced upon removal from his home of origin in his fragile medical condition.

123. DHS's negligence was a substantial factor in the cause of Matthew's emotional
s, personal injury, and death.

SIXTH CLAIM FOR RELIEF: Negligence *per se* – Wrongful Death

(Defendant DHS)

124. Plaintiff incorporates by reference all prior paragraphs as though fully realleged.

125. DHS was negligent *per se* in one or more of the following particulars:

- a) Certifying C.G. in violation of OAR 413-200-0308;
 - b) Failing to place Matthew in an environment that could appropriately meet his needs, in violation of OAR 413-010-0180(1)(a);
 - c) Failing to provide Matthew appropriate care and supervision, in violation of OAR 413-010-0180(1)(c);
 - d) Failing to provide Matthew with necessary medical and mental health care and treatment, in violation of OAR 413-010-0180(1)(d);
 - e) Failing to ensure appropriate visitation with Matthew's family, in violation of OAR 413-010-0180(1)(k);
 - f) Failing to monitor the C.G. home, and/or appropriately make and document contacts, in violation of OAR 413-080-0059.

126. DHS's negligence *per se* was a substantial factor in the cause of Plaintiff's emotional distress, personal injury and death.

SEVENTH CLAIM FOR RELIEF: Reckless Negligence – Wrongful Death

(Defendant DHS)

127. Plaintiff incorporates by reference all prior paragraphs as though fully realleged.

128. DHS acted with reckless negligence in one or more of the following particulars:

- a) Placing Matthew in the non-medical C.G. foster home, which it knew and/or should have known could not meet his significant medical needs;
 - b) Failing to ensure that C.G. was properly trained to administer Matthew's daily medication regimen; and
 - c) Failing to promptly act on the knowledge that C.G. was failing to properly administer Matthew's daily medication regimen and missed Matthew's in-person cardiac rehabilitation appointment, which increased his risk of injury and death.

129. DHS's recklessness was a substantial factor in the cause of Plaintiff's emotional distress, personal injury and death.

EIGHTH CLAIM FOR RELIEF: Intentional Infliction of Emotional Distress –

Survivorship Action

(Defendant DHS)

130. Plaintiff incorporates by reference all prior paragraphs as though fully realleged.

131. DHS was in a special relationship with Matthew. DHS engaged in reckless and/or
onal acts and conduct designed to inflict severe emotional distress and grief on Matthew;
DHS knew and/or should have known that that its acts and conduct were likely to cause
w to suffer severe emotional distress and grief.

132. DHS's acts and conduct in excluding Matthew and Mother from his care plan, excluding Matthew from juvenile court proceedings, which he had a right to appear and be heard, excluding Matthew from his home and family in an abrupt and hastily arranged manner, and placing him in a non-medical foster home with a medically untrained foster parent who was at odds with Mother and who disregarded Mother's attempts to communicate important information and in Matthew experiencing a cardiac emergency and death apart from the woman whom he trusted most and provided him with lifesaving care.

133. DHS engaged in an extraordinary transgression of the bounds of socially tolerable
it.

1

* * *

2

PRAYER

3 Plaintiff prays for judgment and relief in her favor and against defendants as follows:

4 1. On the First Claim for Relief: **42 USC §1983 – Deprivation of Civil Rights**,
5 against Defendant Kneeland and Does, Personal Representative seeks non-economic damages in
6 the amount of \$7,500,000, economic damages in an amount to be proven at the time of trial, and
7 reasonable attorney fees, costs and disbursements, and punitive damages in the amount of
8 \$15,000,000.

9 2. On the Second Claim for Relief: **42 USC §1983 – Deprivation of Civil Rights**,
10 against Defendant Youngflesh and Does, Plaintiff seeks non-economic damages in the amount of
11 \$7,500,000, economic damages in an amount to be proven at the time of trial, and reasonable
12 attorney fees, costs and disbursements, and punitive damages in the amount of \$15,000,000.

13 3. On the Third Claim for Relief: **42 USC §1983 – Deprivation of Civil Rights**,
14 asserted against Defendant Rushford and Does, Plaintiff seeks non-economic damages in the
15 amount of \$7,500,000, economic damages in an amount to be proven at the time of trial, and
16 reasonable attorney fees, costs and disbursements, and punitive damages in the amount of
17 \$15,000,000.

18 4. On the Fourth Claim for Relief: **42 USC §1983 – Deprivation of Civil Rights**,
19 asserted against Defendant Irish and Does, Plaintiff seeks non-economic damages in the amount
20 of \$7,500,000, economic damages in an amount to be proven at the time of trial, and attorney fees,
21 costs and disbursements, and punitive damages in the amount of \$15,000,000.

22 State Claims:

23 5. On the Fifth Claim for Relief: **Wrongful Death – Negligence**, asserted against
24 Defendant DHS, Plaintiff seeks non-economic damages in the amount of \$7,500,000, economic
25 damages in an amount to be proven at the time of trial, and costs and disbursements.

26 6. On the Sixth Claim for Relief: **Wrongful Death – Negligence per se**, asserted

1 against Defendant DHS, Plaintiff seeks non-economic damages in the amount of \$7,500,000,
2 economic damages in an amount to be proven at the time of trial, and costs and disbursements.

3 7. On the Sixth Claim for Relief: **Wrongful Death – Reckless Negligence**, asserted
4 against Defendant DHS, Plaintiff seeks non-economic damages in the amount of \$7,500,000,
5 economic damages in an amount to be proven at the time of trial, and costs and disbursements.

6 8. On the Sixth Claim for Relief: **Intentional Infliction of Emotional Distress –**
7 **Survivorship Action**, asserted against Defendant DHS, Plaintiff seeks non-economic damages in
8 the amount of \$7,500,000, economic damages in an amount to be proven at the time of trial, and
9 costs and disbursements.

10 Plaintiff seeks further necessary or proper relief as the Court may deem equitable and just.

11 Dated: March 20, 2023

RIZZO BOSWORTH ERAUT PC

By: /s/*Steven Rizzo*

Steven Rizzo OSB No. 840853

Mary D. Skjelset OSB No. 075840

Rizzo Bosworth Eraut PC

1300 SW Sixth Avenue, Suite 330

Portland, OR 97201

Tel: (503) 229-1819

Fax: (503) 229-0630

ATTORNEYS FOR PLAINTIFF

PAGE 22 – COMPLAINT

RIZZO | BOSWORTH | ERAUT PC

 1300 SW Sixth Ave, Suite 330 | Portland, OR 97201
rizzobosworth.com

3/27/2023 2:50 PM
23CV13009

RIZZO | BOSWORTH | ERAUT_{PC}



Steven Rizzo
srizzo@rizzopc.com

California | Oregon | Washington | Idaho

March 27, 2023

Multnomah County Circuit Court Clerk's Office
1200 SW First Avenue
Portland, OR 97204

Re: RESUBMISSION OF REJECTED FILING, RELATION-BACK OF FILING
REQUESTED re *The Estate of Matthew Reynolds v. ODHS*, Envelope #9417519

Dear Clerk,

Pursuant to UTCR 21.080(5), I am writing on behalf of the plaintiff, The Estate of Matthew Reynolds (“the Estate”), to request that the resubmitted Complaint relate back to the date it was originally filed.

Plaintiff’s Complaint was filed electronically on Monday, March 20, 2023 in Envelope #9417519.

That filing was rejected the following day, Tuesday, March 21, 2023. The “Filing Returned” email indicates Envelope Number 9417519 and Case Number 9417519.

The rejection occurred because the parties entered into the system did not correctly reflect the same names of the parties listed in the Complaint and there was a lack of an appropriate filing fee. The resubmitted Complaint correctly identifies the parties and is accompanied by a \$884 filing fee.

A corrected Complaint was filed electronically on Thursday, March 23, 2023 in Envelope #9429602.

That filing was rejected on Monday, March 27, 2023. The “Filing Returned” email indicates Envelope Number 9429602 and Case Number 9429602.

The rejection occurred because the parties entered into the system did not correctly reflect the same names of the parties listed in the Complaint. Jane and John Does 1-5 were not added as defendants. The resubmitted Complaint correctly identifies the parties.

I request that the date of the original filing of the Complaint relate back to March 20, 2023 in Envelope #9417519, because it is necessary to protect the statute of limitations.

Plaintiff understands that this filing will be treated as having been made within three days of the original filing for the purpose of relation-back.

March 27, 2023
Multnomah County Circuit Court Clerk's Office

Thank you for your consideration of this request.

Sincerely,

/s/Steven Rizzo

5/4/2023 12:51 PM
23CV13009

PROOF OF SERVICE

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF MULTNOMAH**

Case Number: 23CV13009

Plaintiff: The Estate of MATTHEW REYNOLDS

vs.

Defendant: THE OREGON DEPARTMENT OF
HUMAN SERVICES, a government agency;
ANGELA KNEELAND, in her individual
capacity; REIGNA RUSHFORD, in her
individual capacity; RHONDA IRISH, in her
individual capacity; AMY YOUNGFLESH,
in her individual capacity; and JANE and
JOHN DOES 1-5; in their individual and/or
official capacities,

Service Documents:
SUMMONS AND COMPLAINT

For:

Rizzo, Mattingly Bosworth P.C.
1300 Sw 6th Ave
Suite 330
Portland, OR 97201

Received by BARRISTER SUPPORT SERVICE, INC. on the 21st day of April, 2023 at 8:42 am to be served
on **AMY YOUNGFLESH, 2441 SE SHERMAN STREET, PORTLAND, OR 97214**.

I, Bill Powers, Process Server, do hereby affirm that on the **24th day of April, 2023 at 2:09 pm**, I:

SUBSTITUTE SERVED by delivering a true copy of the **SUMMONS AND COMPLAINT** at **2441 SE SHERMAN STREET, PORTLAND, OR 97214** to "JOHN DOE", CO-OCCUPANT, who is a person over the age of 14 years who also resides at the dwelling house or usual place of abode of the person to be served.

CERTIFICATION OF MAILING: I Kadie Young certify that on **4/27/2023** a true copy of SUMMONS AND COMPLAINT and this Return of Service were mailed to AMY YOUNGFLESH to 2441 SE SHERMAN STREET, PORTLAND, OR 97214 by First Class Mail, postage paid.

X



Description of Person Served: Age: 65, Sex: M, Race/Skin Color: WHITE, Height: 6'2", Weight: 190, Hair: SILVER, Glasses: Y



PROOF OF SERVICE For 23CV13009

I declare under penalty of perjury that I am a resident of the State of Oregon. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding and am authorized to serve the process described herein. I certify that the person, firm, or corporation served is the identical one named in this action. I am not a party to nor an officer, director, or employee of, nor attorney for any party, corporate or otherwise.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that it is made for use as evidence in court and is subject to penalty for perjury.



Bill Powers, Process Server
Process Server

4/27/2023

Date

BARRISTER SUPPORT SERVICE, INC.
10725 SW Barbur Blvd
Suite 202
Portland, OR 97219-6754
(503) 246-8934

Our Job Serial Number: TSB-2023001786
Ref: 2127, DHS

Barrister Support Services, Inc.
10725 SW Barker Blvd,
Ste 202,
Portland, OR 97219

Amy Youngflesh,
2441 SE Sherman Street,
Portland, OR 97214



US POSTAGE
\$ 01.08
First-Class
Mailed From 97219
04/27/2023
032A 0061856084

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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

The Estate of MATTHEW REYNOLDS

Case No. 23CV13009

Plaintiff,

9 v.

10 THE OREGON DEPARTMENT OF
11 HUMAN SERVICES, a government agency;
12 ANGELA KNEELAND, in her individual
capacity; REIGNA RUSHFORD, in her
individual capacity; RHONDA IRISH, in her
individual capacity; AMY YOUNGFLESH,
13 in her individual capacity; and JANE and
JOHN DOES 1-5; in their individual and/or
14 official capacities,
Defendants.

SUMMONS

15

16 TO: Amy Youngflesh
2441 SE Sherman St.
17 Portland, OR 97214

18

19 A lawsuit has been filed against you.

20

21 IN THE NAME OF THE STATE OF OREGON: You are hereby required to appear and
22 defend the complaint filed against you in the above-entitled cause within 30 days from the date
23 of service of this summons on you. If you fail to appear and defend, the plaintiff will apply to the
24 court for the relief demanded in the complaint.

25 //

26 //

1 – SUMMONS

RIZZO | BOSWORTH | ERAUT PC

 1300 SW Sixth Ave, Suite 330 | Portland, OR 97201
Phone: 503.222.1577

1

NOTICE TO DEFENDANT:

2

READ THESE PAPERS CAREFULLY!

3

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal document called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

8

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling 503-684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at 800-452-7636.

12

13 Dated: April 18, 2023.

14

15 RIZZO BOSWORTH ERAUT PC

16

17

By: s/Mary Skjelset

18

Steven Rizzo OSB No. 840853

19

Mary D. Skjelset OSB No. 075840

20

Rizzo Bosworth Eraut PC

21

1300 SW Sixth Avenue, Suite 330

22

Portland, OR 97201

Tel: (503) 229-1819

Fax: (503) 229-0630

mskjelset@rizzopc.com

srizzo@rizzopc.com

ATTORNEYS FOR PLAINTIFF

23

24

25

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2 – SUMMONS

RIZZO | BOSWORTH | ERAUT PC

1300 SW Sixth Ave, Suite 330 | Portland, OR 97201
rizzopc.com

Exhibit 2, Page 7 of 23

5/5/2023 6:38 AM
23CV13009

PROOF OF SERVICE

IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF MULTNOMAH

Case Number: 23CV13009

Plaintiff: The Estate of MATTHEW REYNOLDS

vs.

Defendant: THE OREGON DEPARTMENT OF HUMAN SERVICES, a government agency; ANGELA KNEELAND, in her individual capacity; REIGNA RUSHFORD, in her individual capacity; RHONDA IRISH, in her individual capacity; AMY YOUNGFLESH, in her individual capacity; and JANE and JOHN DOES 1-5; in their individual and/or official capacities,

Service Documents:
SUMMONS; COMPLAINT; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION & INSPECTION; EXHIBITS

For: Rizzo, Mattingly Bosworth P.C.

Received by BARRISTER SUPPORT SERVICE, INC. on the 21st day of April, 2023 at 8:42 am to be served on ANGELA KNEELAND, 75365 FERN HILL ROAD, RAINIER, OR 97048. I, Liz Kuyk, being duly sworn, depose and say that on the 23 day of April, 2023 at 3:15 p.m., executed service by delivering a true copy of the SUMMONS; COMPLAINT; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION & INSPECTION; EXHIBITS in accordance with state statutes in the manner marked below:

INDIVIDUAL SERVICE: Served the within-named person personally.

SUBSTITUE SERVICE: By serving _____, a person 14 years of age or older who resides at the residence of the Defendant. CERTIFICATION OF MAILING: A Sub Service mailing was completed by mailing copy of the documents along with a statement of the date, time, and manner of service via by First Class mail postage prepaid on (date) _____.

OFFICE SERVICE: By serving _____ as _____, the person apparently in charge of the office in which the Defendant maintains for the conduct of business. CERTIFICATION OF MAILING: A Sub Service mailing was completed by mailing copy of the documents along with a statement of the date, time, and manner of service via by First Class mail postage prepaid on (date) _____.

POSTING SERVICE: Posting the documents in a secure manner to the main entrance or (closest too) in a conspicuous location of the premises in question. In accordance with State Statutes.

TRUSTEE'S NOTICE OF SALE SERVICE:

1st Attempt: (date) _____ (time) _____ AM / PM Posted / Served (circle one):

(person served)

2nd Attempt: (date) _____ (time) _____ AM / PM Posted / Served (circle one):

(person served)

3rd Attempt: (date) _____ (time) _____ AM / PM Posted / Served (circle one):

(person served)

A copy of the documents along with a statement of the date, time, and manner of service was mailed by first class mail addressed to "OCCUPANTS" on (date) _____.

OTHER SERVICE: As described in the Comments below by serving _____ as _____.

ALTERNATE SERVICE ADDRESS:

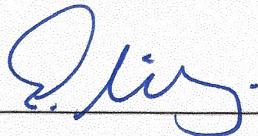


PROOF OF SERVICE For 23CV13009

() NON-SERVED: I was unable to effect service detailed in the comments below.

COMMENTS: _____

I declare under penalty of perjury that I am a resident of the State of service. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding and am authorized to serve the process described herein. I certify that the person, firm, or corporation served is the identical one named in this action. I am not a party to nor an officer, director, or employee of, nor attorney for any party, corporate or otherwise.



PROCESS SERVER # _____
Appointed in accordance with State Statutes

BARRISTER SUPPORT SERVICE, INC.
PO Box 3474
Salem, OR 97302
(503) 246-8934

Our Job Serial Number: 2023001785
Ref: 2127. DHS

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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

The Estate of MATTHEW REYNOLDS

Case No. 23CV13009

Plaintiff,

9 v.

10 THE OREGON DEPARTMENT OF
11 HUMAN SERVICES, a government agency;
12 ANGELA KNEELAND, in her individual
13 capacity; REIGNA RUSHFORD, in her
14 individual capacity; RHONDA IRISH, in her
individual capacity; AMY YOUNGFLESH,
in her individual capacity; and JANE and
JOHN DOES 1-5; in their individual and/or
official capacities,
Defendants.

SUMMONS

15

16 TO: Angela Kneeland
17 75365 Fern Hill Road
17 Rainier, OR 97048

18

19 A lawsuit has been filed against you.

20

21 IN THE NAME OF THE STATE OF OREGON: You are hereby required to appear and
22 defend the complaint filed against you in the above-entitled cause within 30 days from the date
23 of service of this summons on you. If you fail to appear and defend, the plaintiff will apply to the
24 court for the relief demanded in the complaint.

25 //

26 //

1

NOTICE TO DEFENDANT:

2

READ THESE PAPERS CAREFULLY!

3

You must "appear" in this case or the other side will win automatically. To "appear" you
4 must file with the court a legal document called a "motion" or "answer." The "motion" or
5 "answer" must be given to the court clerk or administrator within 30 days along with the required
6 filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the
7 plaintiff does not have an attorney, proof of service on the plaintiff.

8

If you have questions, you should see an attorney immediately. If you need help in
9 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at
10 www.oregonstatebar.org or by calling 503-684-3763 (in the Portland metropolitan area) or toll-
11 free elsewhere in Oregon at 800-452-7636.

12

13 Dated: April 18, 2023.

14

15 RIZZO BOSWORTH ERAUT PC

16

17

By: s/Mary Skjelset

18 Steven Rizzo OSB No. 840853
Mary D. Skjelset OSB No. 075840
19 Rizzo Bosworth Eraut PC
1300 SW Sixth Avenue, Suite 330
Portland, OR 97201
Tel: (503) 229-1819
Fax: (503) 229-0630
mskjelset@rizzopc.com
srizzo@rizzopc.com

22

ATTORNEYS FOR PLAINTIFF

23

24

25

26

5/8/2023 8:21 AM
23CV13009

Proof of Service

State of Oregon

County of Multnomah

Circuit Court

Case Number: 23CV13009

Plaintiff: The Estate of MATTHEW REYNOLDS
vs.

Defendant: THE OREGON DEPARTMENT OF
HUMAN SERVICES, a government agency;
ANGELA KNEELAND, in her individual
capacity; REIGNA RUSHFORD, in her
individual capacity; RHONDA IRISH, in her
individual capacity; AMY YOUNGFLESH,
in her individual capacity; and JANE and
JOHN DOES 1-5; in their individual and/or
official capacities,

For:
Rizzo, Mattingly Bosworth P.C.
1300 Sw 6th Ave
Suite 330
Portland, OR 97201

Received by Barrister Support Service on the 25th day of April, 2023 at 8:44 am to be served on THE OREGON
DEPARTMENT OF HUMAN SERVICES, 500 SUMMER STREET NE, SALEM, OR 97301.

I, P. Bustamante, do hereby affirm that on the **1st day of May, 2023** at **11:56 am**, I:

SERVED the within named PUBLIC AGENCY by delivering a true copy of the **SUMMONS; COMPLAINT; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION AND INSPECTION; EXHIBITS** to **MARIA VILLA** as PSR 3 of the within named agency authorized to accept service of process.

CERTIFICATION OF MAILING: I certify that on **5/4/2023** a true copy of **SUMMONS; COMPLAINT; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION AND INSPECTION; EXHIBITS** and this Return of Service was mailed to **THE OREGON DEPARTMENT OF HUMAN SERVICES** at **500 SUMMER STREET NE, SALEM, OR 97301** by First Class Mail postage paid.

I declare I am a resident of the State of Oregon. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this action. I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

P. Bustamante

P. Bustamante
Process Server

Date

5/4/2023

Barrister Support Service
P.O. Box 3474
Salem, OR 97302
(503) 246-8934

Our Job Serial Number: TSB-2023001781
Ref: 2127. DHS





Rhonda Irish
c/o the Department of Human Services
500 Summer St NE
Salem, O. 97301

SUB-SERVICE CO

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4

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

The Estate of MATTHEW REYNOLDS

Plaintiff,

9 v.

10 THE OREGON DEPARTMENT OF
HUMAN SERVICES, a government agency;
11 ANGELA KNEELAND, in her individual
capacity; REIGNA RUSHFORD, in her
individual capacity; RHONDA IRISH, in her
individual capacity; AMY YOUNGFLESH,
12 in her individual capacity; and JANE and
JOHN DOES 1-5; in their individual and/or
13 official capacities,
14 Defendants.

Case No. 23CV13009

SUMMONS

15

16 TO: The Oregon Department of Human Services
500 Summer Street NE
17 Salem, OR 97301

18 A lawsuit has been filed against you.

20 IN THE NAME OF THE STATE OF OREGON: You are hereby required to appear and
21 defend the complaint filed against you in the above-entitled cause within 30 days from the date
22 of service of this summons on you. If you fail to appear and defend, the plaintiff will apply to the
23 court for the relief demanded in the complaint.

24 //
25 //
26 //

1 – SUMMONS

1

NOTICE TO DEFENDANT:

2

READ THESE PAPERS CAREFULLY!

3

You must "appear" in this case or the other side will win automatically. To "appear" you
4 must file with the court a legal document called a "motion" or "answer." The "motion" or
5 "answer" must be given to the court clerk or administrator within 30 days along with the required
6 filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the
7 plaintiff does not have an attorney, proof of service on the plaintiff.

8

If you have questions, you should see an attorney immediately. If you need help in
9 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at
10 www.oregonstatebar.org or by calling 503-684-3763 (in the Portland metropolitan area) or toll-
11 free elsewhere in Oregon at 800-452-7636.

12

13 Dated: April 18, 2023.

14

15 RIZZO BOSWORTH ERAUT PC

16

17

By: s/Mary Skjelset

18 Steven Rizzo OSB No. 840853
Mary D. Skjelset OSB No. 075840
19 Rizzo Bosworth Eraut PC
1300 SW Sixth Avenue, Suite 330
Portland, OR 97201
Tel: (503) 229-1819
Fax: (503) 229-0630
mskjelset@rizzopc.com
srizzo@rizzopc.com

22

ATTORNEYS FOR PLAINTIFF

23

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2 – SUMMONS

RIZZO | BOSWORTH | ERAUT PC

1300 SW Sixth Ave, Suite 330 | Portland, OR 97201
rizzopc.com

Exhibit 2, Page 15 of 23

5/8/2023 10:29 AM
23CV13009

Proof of Service

State of Oregon

County of Multnomah

Circuit Court

Case Number: 23CV13009

Plaintiff: **The Estate of MATTHEW REYNOLDS**
vs.
Defendant: **THE OREGON DEPARTMENT OF HUMAN SERVICES**, a government agency;
ANGELA KNEELAND, in her individual capacity; **REIGNA RUSHFORD**, in her individual capacity; **RHONDA IRISH**, in her individual capacity; **AMY YOUNGFLESH**, in her individual capacity; and **JANE and JOHN DOES 1-5**; in their individual and/or official capacities,

For:
Rizzo, Mattingly Bosworth P.C.
1300 Sw 6th Ave
Suite 330
Portland, OR 97201

Received by Barrister Support Service on the 25th day of April, 2023 at 8:54 am to be served on **REIGNA RUSHFORD C/O THE OREGON DEPARTMENT OF HUMAN SERVICES, 500 SUMMER STREET NE, SALEM, OR 97301**.

I, P. Bustamante, do hereby affirm that on the **1st day of May, 2023** at **11:56 am**, I:

SERVED the within named **REIGNA RUSHFORD**, who is a PUBLIC EMPLOYEE at **500 SUMMER STREET NE, SALEM, OR 97301**, by delivering a true copy of the **SUMMONS AND COMPLAINT** to **MARIA VILLA, PSR 3** who is authorized to accept service of process.

CERTIFICATION OF MAILING: I certify that on **5/4/2023** a true copy of **SUMMONS AND COMPLAINT** and this Return of Service was mailed to **REIGNA RUSHFORD C/O THE OREGON DEPARTMENT OF HUMAN SERVICES** at **500 SUMMER STREET NE, SALEM, OR 97301** by First Class Mail postage paid.

I declare I am a resident of the State of Oregon. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this action. I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

P. Bustamante

P. Bustamante
Process Server

5/4/2023

Date

Barrister Support Service
P.O. Box 3474
Salem, OR 97302
(503) 246-8934

Our Job Serial Number: TSB-2023001783
Ref: 2127. DHS





Mailtron's Process Service CO.
PO BOX 3474
Salem, OR 97302

Regina Bushford
Attn: The Oregon Department of Human Services
500 Summer Street
Salem, OR 97301

SUB-SERVICE COPY

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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

The Estate of MATTHEW REYNOLDS

Case No. 23CV13009

Plaintiff,

9 v.

10 THE OREGON DEPARTMENT OF
11 HUMAN SERVICES, a government agency;
12 ANGELA KNEELAND, in her individual
13 capacity; REIGNA RUSHFORD, in her
14 individual capacity; RHONDA IRISH, in her
individual capacity; AMY YOUNGFLESH,
in her individual capacity; and JANE and
JOHN DOES 1-5; in their individual and/or
official capacities,
Defendants.

SUMMONS

15

16 TO: Reigna Rushford
17 The Oregon Department of Human Services
500 Summer Street NE
Salem, OR 97301

20

21 IN THE NAME OF THE STATE OF OREGON: You are hereby required to appear and
22 defend the complaint filed against you in the above-entitled cause within 30 days from the date
23 of service of this summons on you. If you fail to appear and defend, the plaintiff will apply to the
24 court for the relief demanded in the complaint.

25 //

26 //

1 – SUMMONS



1

NOTICE TO DEFENDANT:

2

READ THESE PAPERS CAREFULLY!

3

You must "appear" in this case or the other side will win automatically. To "appear" you
4 must file with the court a legal document called a "motion" or "answer." The "motion" or
5 "answer" must be given to the court clerk or administrator within 30 days along with the required
6 filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the
7 plaintiff does not have an attorney, proof of service on the plaintiff.

8

If you have questions, you should see an attorney immediately. If you need help in
9 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at
10 www.oregonstatebar.org or by calling 503-684-3763 (in the Portland metropolitan area) or toll-
11 free elsewhere in Oregon at 800-452-7636.

12

13 Dated: April 18, 2023.

14

15 RIZZO BOSWORTH ERAUT PC

16

17

By: s/Mary Skjelset

18 Steven Rizzo OSB No. 840853

Mary D. Skjelset OSB No. 075840

Rizzo Bosworth Eraut PC

19 1300 SW Sixth Avenue, Suite 330

Portland, OR 97201

20 Tel: (503) 229-1819

Fax: (503) 229-0630

mskjelset@rizzopc.com

srizzo@rizzopc.com

22 ATTORNEYS FOR PLAINTIFF

23

24

25

26

5/8/2023 10:29 AM
23CV13009

Proof of Service

State of Oregon

County of Multnomah

Circuit Court

Case Number: 23CV13009

Plaintiff: The Estate of MATTHEW REYNOLDS
vs.
Defendant: THE OREGON DEPARTMENT OF
HUMAN SERVICES, a government agency;
ANGELA KNEELAND, in her individual
capacity; REIGNA RUSHFORD, in her
individual capacity; RHONDA IRISH, in her
individual capacity; AMY YOUNGFLESH,
in her individual capacity; and JANE and
JOHN DOES 1-5; in their individual and/or
official capacities,

For:
Rizzo, Mattingly Bosworth P.C.
1300 Sw 6th Ave
Suite 330
Portland, OR 97201

Received by Barrister Support Service on the 25th day of April, 2023 at 8:49 am to be served on RHONDA IRISH C/O THE
OREGON DEPARTMENT OF HUMAN SERVICES, 500 SUMMER STREET NE, SALEM, OR 97301.

I, P. Bustamante, do hereby affirm that on the **1st day of May, 2023** at 11:56 am, I:

SERVED the within named RHONDA IRISH, who is a PUBLIC EMPLOYEE at 500 SUMMER STREET NE, SALEM, OR
97301, by delivering a true copy of the SUMMONS AND COMPLAINT to MARIA VILLA, PSR 3 who is authorized to accept
service of process.

CERTIFICATION OF MAILING: I certify that on **5/4/2023** a true copy of SUMMONS AND COMPLAINT and this Return of
Service was mailed to RHONDA IRISH C/O THE OREGON DEPARTMENT OF HUMAN SERVICES at 500 SUMMER
STREET NE, SALEM, OR 97301 by First Class Mail postage paid.

I declare I am a resident of the State of Oregon. I am a competent person 18 years of age or older and not a party to or
attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this action. I
hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for
use as evidence in court and is subject to penalty for perjury.

P. Bustamante

P. Bustamante
Process Server

5/4/2023

Date

Barrister Support Service
P.O. Box 3474
Salem, OR 97302
(503) 246-8934

Our Job Serial Number: TSB-2023001782
Ref: 2127. DHS





The Oregon Department of Human Services
500 Summer Street
Salem, OR 97301

SUB-SERVICE COPIES

Malstrom's Process Service Co.
PO BOX 3474
Salem, OR 97302

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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

The Estate of MATTHEW REYNOLDS

Case No. 23CV13009

Plaintiff,

9 v.

10 THE OREGON DEPARTMENT OF
11 HUMAN SERVICES, a government agency;
12 ANGELA KNEELAND, in her individual
13 capacity; REIGNA RUSHFORD, in her
14 individual capacity; RHONDA IRISH, in her
individual capacity; AMY YOUNGFLESH,
in her individual capacity; and JANE and
JOHN DOES 1-5; in their individual and/or
official capacities,
Defendants.

SUMMONS

15

16 TO: Rhonda Irish
17 The Oregon Department of Human Services
500 Summer Street NE
Salem, OR 97301

19 A lawsuit has been filed against you

20

21 IN THE NAME OF THE STATE OF OREGON: You are hereby required to appear and
22 defend the complaint filed against you in the above-entitled cause within 30 days from the date
23 of service of this summons on you. If you fail to appear and defend, the plaintiff will apply to the
24 court for the relief demanded in the complaint.

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26 //

1 – SUMMONS



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11 free elsewhere in Oregon at 800-452-7636.

12

13 Dated: April 18, 2023.

14

15 RIZZO BOSWORTH ERAUT PC

16

17

By: s/Mary Skjelset

18 Steven Rizzo OSB No. 840853
Mary D. Skjelset OSB No. 075840
19 Rizzo Bosworth Eraut PC
1300 SW Sixth Avenue, Suite 330
Portland, OR 97201
Tel: (503) 229-1819
Fax: (503) 229-0630
mskjelset@rizzopc.com
srizzo@rizzopc.com

22

ATTORNEYS FOR PLAINTIFF

23

24

25

26

2 – SUMMONS

RIZZO | BOSWORTH | ERAUT PC

1300 SW Sixth Ave, Suite 330 | Portland, OR 97201
rizzopc.com

Exhibit 2, Page 23 of 23